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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,583	10/29/2001	Easton F. Bell	F-352	3446

919 7590 03/24/2005

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EXAMINER

COSIMANO, EDWARD R

ART UNIT	PAPER NUMBER
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3639

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/021,583

Applicant(s)

BELL ET AL.

Examiner

Edward R. Cosimano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/27/02; 6/9/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. The use of various trademark(s), for example: "Bluetooth™" have been noted in this application at paragraph located:

A) at page 4, lines 10-26, "Each of the gateway server 12, meter 16, scale 18, mail processing machine 20 and personal computer 22 is provided with a transmitter/receiver (not shown) to allow wireless communication, such as, for example, radio frequency communications, with other similarly equipped devices. Such wireless communications preferably utilize ad-hoc, spontaneous networking technology such as, for example, Bluetooth™ or IEEE 802.11. Accordingly, the system 10, including gateway server 12, meter 16, scale 18, mail processing machine 20, and personal computer 22, forms a local network 30, indicated by dashed line in Fig. 1. Gateway server 12 preferably operates as a master of the local network 30, coordinating communication between each of the devices in local network 30 and registering new devices in local network 30 as they are added as will be further described below. Alternatively, each of the devices in local network 30 can communicate directly with each other without coordination from the gateway server 12. Local network 30 preferably includes up to eight devices, including the master, actively participating in information exchange using a proprietary protocol, and can preferably include up to 256 devices registered but not actively participating in exchanging data if Bluetooth™ networking technology is utilized.";

Any trademarks should be capitalized wherever they appear and be accompanied by the generic terminology.

1.1 Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

2. The specification and drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification or drawings. Applicant should note the requirements of 37 CFR § 1.52, 37 CFR § 1.74, § 1.75, § 1.84(o,p(5)), § 1.121(a)-1.121(f) & § 1.121(h)-1.121(i).

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3. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(c) Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

3.1 Claims 1-3, 5, 6, 8, 9, 11, 13-16, 18, 19, 21, 23-25, 27-33, 35 & 36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Le Carpentier (4,752,950) in view of Lee (5,657,689) as suggested by Eppley.

3.1.1 In regard to claims 1-3, 5, 6, 8, 9, 11, 13-16, 18, 19, 21, 23-25, 27-33, 35 & 36, Le Carpentier ('950) discloses a computer implemented mail processing system which under the control of an operating program in the memory of the controlled device implements a monitoring and control system for the postal processing machines. In the system of Le Carpentier ('950) one or more registered postal processing machines 1 are interconnected by a local area communications network 11 (LAN) and are connected to local station 4 or gateway server. A number of local stations 4 are further inter connected to data center 2 via wired wide area communications network (WAN), for example, telephone network 3, where information being transferred between data center 2 and processing device 1 must pass through a local station 4 that is connected to the processing device 1.

3.1.2 Le Carpentier ('950) does not use a wireless communications network for LAN 11, however, in the environment of postage metering systems Lee ('689) discloses a computer implemented mail processing system which under the control of an operating program in the

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memory of the controlled device implements a monitoring and control system for the postal processing machines. In the system of Lee ('689) one or more postal processing machines 30 are interconnected by a local area radio frequency (RF) wireless communications network which implement by RF transceiver 23 and antenna 24 with in postal processing machine 30 and are connected to local station 32 or gateway server and via RF transceiver 23 and antenna 35 with in unit 32. Secure unit 32 is interconnected to a data center or postal authority 31 via wired wide area communications network (WAN), for example, telephone network 34.

3.1.3 Since LAN 11 of Le Carpentier ('950) performs the same function as does wireless communications network of Lee ('689) and Eppley clearly teaches in 1993 that there is a movement towards implementing networks using a wireless communications networks, it would have been obvious to one of ordinary skill at the time of the invention, that the system of Le Carpentier ('950) could be modified to use a wireless communications network as LAN 11 as taught by Lee ('689) and suggested by Eppley.

3.2 Claim 4, 20 & 36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Le Carpentier (4,752,950) in view of Lee (5,657,689) as suggested by Eppley as applied above to claims 1-3, 5, 6, 8, 9, 11, 13-16, 18, 19, 21, 23-25, 27-33, 35 & 36 and further in view of an obvious variation.

3.2.1 In regard to claims 4, 20 & 36, the system of Le Carpentier ('950) as modified to use a wireless communications network as LAN 11 as taught by Lee ('689) and suggested by Eppley does not include a scale as part of the postal processing devices. However, since one of ordinary skill would have known that a scale is commonly part of postal processing devices, it would have been obvious to one of ordinary skill at the time of the invention, that the system of Le Carpentier ('950) as modified to use a wireless communications network as LAN 11 as taught by Lee ('689) and suggested by Eppley could include the use of scales as a postal processing devices.

3.3 Claims 7 & 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Le Carpentier (4,752,950) in view of Lee (5,657,689) as suggested by Eppley as applied above to claims 1-3, 5, 6, 8, 9, 11, 13-16, 18, 19, 21, 23-25, 27-33, 35 & 36 and further in view of an obvious variation.

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3.3.1 In regard to claims 7 & 22, the system of Le Carpentier ('950) as modified to use a wireless communications network as LAN 11 as taught by Lee ('689) and suggested by Eppley does not include the use of a PC as part of the postal processing devices. However, since one of ordinary skill would have known that a PC is commonly part of postal processing devices for at least mailing list generation, it would have been obvious to one of ordinary skill at the time of the invention, that the system of Le Carpentier ('950) as modified to use a wireless communications network as LAN 11 as taught by Lee ('689) and suggested by Eppley could include the use of a PC as a postal processing devices.

3.4 Claims 10, 12, 17 & 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Le Carpentier (4,752,950) in view of Lee (5,657,689) as suggested by Eppley as applied above to claims 1-3, 5, 6, 8, 9, 11, 13-16, 18, 19, 21, 23-25, 27-33, 35 & 36 and further in view of an obvious variation.

3.4.1 In regard to claims 10, 12, 17 & 26, the system of Le Carpentier ('950) as modified to use a wireless communications network as LAN 11 as taught by Lee ('689) and suggested by Eppley does not include the use of the internet as the communications network. However, since one of ordinary skill would have known that the system of Le Carpentier ('950) as modified to use a wireless communications network as LAN 11 as taught by Lee ('689) and suggested by Eppley requires the use of multiple types of communications networks, it would have been obvious to one of ordinary skill at the time of the invention, that the system of Le Carpentier ('950) as modified to use a wireless communications network as LAN 11 as taught by Lee ('689) and suggested by Eppley could further modified to use any suitable type of communications network, for example the internet, absent applicant's showing of new and unexpected results from using a particular type of communications network.

4. The examiner has cited prior art of interest, for example:

A) Liechti et al (5,715,164) discloses a network of postage meters that are connected to a data center via modems and telephone network.

B) Daniel et al (5,860,058) discloses a table that assigns one or more frequencies to each device connected to a wireless communications network.

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C) either Hofesteadt et al (DE 19847292) or Shuey et al (2004/0210544) which disclose a central location monitoring a number of remote items via a wireless communications network.

5. The shorten statutory period of response is set to expire 3 (three) months from the mailing date of this Office action.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (703) 305-9783 (after 13 April 2005 (571) 272-6802). The examiner can normally be reached Monday through Thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss, can be reached on (703)-308-2702 (after 13 April 2005 (571) 272-6812). Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

6.1 The fax phone number for UNOFFICIAL/DRAFT FAXES is (703) 746-7240.

6.2 The fax phone number for OFFICIAL FAXES is (703) 872-9306.

6.3 The fax phone number for AFTER FINAL FAXES is (703) 872-9306.

03/20/05


Edward R. Cosimano
Primary Examiner A.U. 3629